

PREVAILED

Roll Call No. \_\_\_\_\_

FAILED

Ayes \_\_\_\_\_

WITHDRAWN

Noes \_\_\_\_\_

RULED OUT OF ORDER

## HOUSE MOTION \_\_\_\_\_

MR. SPEAKER:

I move that Engrossed Senate Bill 501 be amended to read as follows:

- 1           Page 8, between lines 1 and 2, begin a new paragraph and insert:  
2           "SECTION 3. IC 12-7-2-9, AS AMENDED BY P.L.93-2006,  
3           SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
4           JULY 1, 2007]: Sec. 9. "Agency" means the following:  
5           (1) For purposes of IC 12-10-12, the meaning set forth in  
6           IC 12-10-12-1.  
7           (2) For purposes of IC 12-12.7-2, the meaning set forth in  
8           IC 12-12.7-2-1.  
9           **(3) For purposes of IC 12-31-1, the meaning set forth in**  
10          **IC 12-31-1-1.**  
11          SECTION 4. IC 12-7-2-76.6 IS AMENDED TO READ AS  
12          FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 76.6. **(a)** "Emergency  
13          medical condition", for purposes of IC 12-15-12, has the meaning set  
14          forth in IC 12-15-12-0.3.  
15          **(b) "Emergency medical condition", for purposes of IC 12-31-1,**  
16          **has the meaning set forth in IC 12-31-1-2.**  
17          SECTION 5. IC 12-7-2-85.1 IS ADDED TO THE INDIANA CODE  
18          AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
19          1, 2007]: Sec. 85.1. **"Federal public benefit", for purposes of**  
20          **IC 12-31-1, has the meaning set forth in IC 12-31-1-3.**  
21          SECTION 6. IC 12-7-2-142 IS AMENDED TO READ AS  
22          FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 142. "Political  
23          subdivision", for purposes of the following statutes, has the meaning  
24          set forth in IC 36-1-2-13:

(1) IC 12-8.

(2) IC 12-13-4.

**(3) IC 12-31-1.**

SECTION 7. IC 12-7-2-169.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 169.7. "SAVE program", for purposes of IC 12-31-1, has the meaning set forth in IC 12-31-1-4.**

SECTION 8. IC 12-7-2-185.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 185.5. "State or local public benefit", for purposes of IC 12-31-1, has the meaning set forth in IC 12-31-1-5.**

SECTION 9. IC 12-31 IS ADDED TO THE INDIANA CODE AS A NEW ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]:

# **ARTICLE 31. RESTRICTIONS ON PUBLIC BENEFITS**

## **Chapter 1. Restrictions on Public Benefits to Illegal Aliens**

**Sec. 1. As used in this chapter, "agency" means any state administration, agency, authority, board, bureau, commission, committee, council, department, division, institution, office, service, or other similar body of state government.**

**Sec. 2. As used in this chapter, "emergency medical condition" has the meaning set forth in 42 U.S.C. 1396b(v)(3).**

**Sec. 3. As used in this chapter, "federal public benefit" has the meaning set forth in 8 U.S.C. 1611.**

**Sec. 4. As used in this chapter, "SAVE program" means the Systematic Alien Verification of Entitlements program operated by the United States Department of Homeland Security or a successor program designated by the United States Department of Homeland Security.**

**Sec. 5. As used in this chapter, "state or local public benefit" has the meaning set forth in 8 U.S.C. 1621.**

**Sec. 6. This chapter shall be enforced without regard to race, religion, gender, ethnicity, or national origin.**

**Sec. 7. Except as provided under section 9 of this chapter or federal law, an agency or a political subdivision may not provide federal public benefits or state or local public benefits to a person who is not:**

**(1) a United States citizen;**

**(2) a legal permanent resident; or**

**(3) otherwise lawfully present in the United States under federal law.**

**Sec. 8. Except as provided under section 9 of this chapter or federal law, after June 30, 2008, an agency or a political subdivision shall verify, in the manner provided under section 10 of this chapter, the lawful presence of each individual in the United States who:**

1 (1) is at least eighteen (18) years of age; and

2 (2) applies for:

3 (A) federal public benefits; or

4 (B) state or local public benefits;

5 that are administered by the agency or political subdivision;  
6 before the agency or political subdivision may provide federal  
7 public benefits or state or local public benefits to the individual.

8 Sec. 9. An agency or a political subdivision is not required to  
9 meet the requirements under sections 7 and 8 of this chapter for  
10 any of the following:

11 (1) A purpose for which lawful presence in the United States  
12 is not required by law, ordinance, or regulation.

13 (2) Assistance for health care items and services that are  
14 necessary for the treatment of an emergency medical  
15 condition of the person involved and are not related to an  
16 organ transplant procedure.

17 (3) Short term, noncash, in-kind emergency disaster relief.

18 (4) Public health assistance for:

19 (A) immunizations with respect to a disease that may be  
20 immunized; and

21 (B) testing and treatment of symptoms of communicable  
22 diseases regardless of whether symptoms are caused by a  
23 communicable disease.

24 (5) Programs, services, or assistance, including soup kitchens,  
25 crisis counseling and intervention, and short term shelter,  
26 specified by the United States Attorney General in the United  
27 States Attorney General's sole and unreviewable discretion  
28 after consultation with appropriate federal agencies and  
29 departments, that:

30 (A) deliver in-kind services at the community level,  
31 including services through public or private nonprofit  
32 agencies;

33 (B) do not condition the:

34 (i) provision of assistance;

35 (ii) amount of assistance provided; or

36 (iii) cost of assistance provided;

37 on a recipient's income or resources; and

38 (C) are necessary for the protection of life or safety.

39 (6) Prenatal care.

40 Sec. 10. An agency or a political subdivision shall verify the  
41 lawful presence of a person described under section 8 of this  
42 chapter by requiring the person to execute a verified affidavit  
43 stating that the person is:

44 (1) a United States citizen;

45 (2) a legal permanent resident; or

46 (3) otherwise lawfully present in the United States under  
47 federal law.

1       **Sec. 11. (a) If a person executes an affidavit stating that the**  
 2       **person is an alien lawfully present in the United States under**  
 3       **section 10 of this chapter, an agency or a political subdivision shall**  
 4       **verify the lawful presence of the person to determine eligibility for**  
 5       **federal public benefits or state or local public benefits through the**  
 6       **SAVE program.**

7       **(b) An affidavit executed under section 10 of this chapter may**  
 8       **be presumed to be proof of lawful presence of a person under this**  
 9       **chapter until eligibility is verified under this section.**

10       **Sec. 12. An agency or a political subdivision shall report any**  
 11       **errors or significant delays by the SAVE program to the:**

- 12               **(1) United States Department of Homeland Security; and**
- 13               **(2) secretary of state.**

14       **Sec. 13. An agency or a political subdivision may adopt a**  
 15       **variation of the requirements under this chapter to:**

- 16               **(1) improve the efficiency of verifying lawful presence of a**  
 17               **person under this chapter;**
- 18               **(2) reduce delay in verifying lawful presence of a person**  
 19               **under this chapter; or**
- 20               **(3) provide for adjudication of unique individual**  
 21               **circumstances in which the procedures under this chapter**  
 22               **would impose unusual hardship on a legal resident of Indiana.**

23       **Sec. 14. A person who knowingly or intentionally makes a false,**  
 24       **fictitious, or fraudulent statement of representation in an affidavit**  
 25       **executed under section 10 of this chapter commits a violation of**  
 26       **IC 35-43-5-7 or IC 35-43-5-7.1.**

27       **Sec. 15. Each agency or political subdivision that administers a**  
 28       **program that provides federal public benefits or state or local**  
 29       **public benefits shall provide an annual written report with respect**  
 30       **to the agency's or political subdivision's compliance with this**  
 31       **chapter to the legislative services agency in an electronic format**  
 32       **under IC 5-14-6.**

33       **Sec. 16. An agency may adopt rules and a political subdivision**  
 34       **may adopt an ordinance or a resolution to carry out the**  
 35       **requirements of this chapter."**

36       Renumber all SECTIONS consecutively.

(Reference is to ESB 501 as printed April 6, 2007.)

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Representative Harris T